

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**v.**

**KAVOD PHARMACEUTICALS LLC (F/K/A  
RISING PHARMACEUTICALS, LLC, F/K/A  
RISING PHARMACEUTICALS, INC.**

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**CRIMINAL NO. 2:19-CR-00689-RBS**

**ORDER DISMISSING INFORMATION WITH PREJUDICE**

The unopposed motion of the United States to dismiss the Information filed in the above-captioned case with prejudice pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, is hereby granted. Having reviewed the motion, the Court finds as follows:

1. On December 3, 2019, the United States filed a criminal Information charging Rising with one count of conspiracy in restraint of trade in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). ECF Dkt. No. 1 (“Information”).

2. On December 3, 2019, the United States also entered into a deferred prosecution agreement (“DPA”) with Rising, in which the United States deferred prosecution of Rising for a period of three years. ECF Dkt. No. 2. Among other obligations, the DPA required Rising to cooperate with the United States’ investigation. Rising was also required to pay a criminal monetary penalty of \$1,500,000 and restitution in the amount of \$1,543,207.

3. The DPA provided that the United States would not continue the criminal prosecution against Rising and would move to dismiss the Information within thirty days of the

expiration of the DPA if Rising complied fully with its obligations under the DPA. *See* DPA ¶ 18.

4. The DPA expired on December 3, 2022.

5. Based on the information known to the United States, Rising has met its obligations under the DPA fully, including full cooperation with the United States and satisfaction of the terms of the provisions regarding self-reporting. In addition, Rising made timely payment of the \$1,500,000 criminal monetary penalty and \$1,543,207 restitution.

6. Because Rising has complied fully with its obligations under the DPA, the United States has determined that dismissal of the Information with prejudice is appropriate. The United States conferred with counsel for Rising, who concurs that dismissal is appropriate at this time.

It is so **ORDERED** this 16th day of December, 2022 at Philadelphia, Pennsylvania.

/s/ R. Barclay Surrick  
**HON. R. BARCLAY SURRICK**  
**UNITED STATES DISTRICT JUDGE**